

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
SHAWN EGGSWARE,

Plaintiff,

**1:21-cv-933
(GLS/ML)**

v.

ALBANY MASONIC TEMPLE et al.

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:
SHAWN EGGSWARE
Plaintiff
Pro Se
85 Mohawk Street
Cohoes, NY 12047

Gary L. Sharpe
Senior District Judge

ORDER

The above-captioned matter comes to this court following an Order and Report-Recommendation (R&R) by Magistrate Judge Miroslav Lovric, duly filed November 16, 2021. (Dkt. No. 4.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Order and Report-Recommendation (Dkt. No. 4) is

ADOPTED in its entirety; and it is further

ORDERED that the complaint (Dkt. No. 1) is **DISMISSED** in its entirety as set forth below:

plaintiff's claims against defendant NYS DOL are **DISMISSED** as frivolous and because they seek monetary relief against a party that is immune from such relief pursuant to 28 U.S.C.

§ 1915(e)(2)(B); and

plaintiff's claims against defendants Albany Masonic Temple, Sam Coleman, Demetrius McCord, Brayton Whitney, Neil Degrasse Tyson, Dave LoomLoom, Citizens Bank, Tim Stockwell, and Journeyman Labor Services are **DISMISSED without**

prejudice and with leave to amend because they are frivolous or, in the alternative, for failure to state a claim pursuant to 28

U.S.C. § 1915(e)(2)(B); and

plaintiff's state law claim is **DISMISSED without prejudice**

because the court declines to exercise its supplemental

jurisdiction over it; and it is further

ORDERED that the Clerk **TERMINATE** NYS DOL as a party to this action; and it is further

ORDERED that any amended complaint¹ shall be filed within thirty (30) days of this Order; and it is further

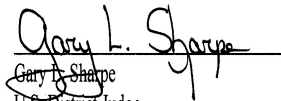
ORDERED that, if plaintiff files an amended complaint, such amended complaint will be referred to Magistrate Judge Lovric for review; and it is further

ORDERED that, if plaintiff fails to file an amended complaint within the time permitted, the Clerk is directed to close this case without further order of the court; and it is further

ORDERED that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

December 7, 2021
Albany, New York


Gary L. Sharpe
U.S. District Judge

¹ If plaintiff elects to file an amended complaint, it must be a complete and fully-integrated pleading. Plaintiff must state all of his claims in the new pleading and may not rely upon or incorporate by reference any part of his original complaint.